



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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DA No. 04-1731

Report No. TEL-00801

Thursday June 17, 2004

## INTERNATIONAL AUTHORIZATIONS GRANTED

### Section 214 Applications (47 C.F.R. § 63.18); Cable Landing License Applications (47 C.F.R. § 1.767); Requests to Authorize Switched Services over Private Lines (47 C.F.R. § 63.16); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4). Grants under Section 63.16 and certain grants under Section 63.18 also authorize carriers generally to use their authorized private lines to provide switched services (ISR) between the United States and particular international points pursuant to 47 C.F.R. § 63.16. See also 47 C.F.R. §§ 63.22(e), 63.23(d).

This public notice serves as each newly authorized carrier's Section 214 certificate. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. These are set forth in detail below and in Sections 63.21, 63.22, and 63.23 of the Commission's rules, 47 C.F.R. §§ 63.21-23. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

The Commission most recently amended its rules applicable to international telecommunications common carriers in 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace, FCC 01-93, released, March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001). See also IB Docket No. 97-142, Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Order on Reconsideration, 15 FCC Rcd 18158 (2000); IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999) and in IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, FCC 99-73, released May 6, 1999, 64 Fed. Reg. 34, 734 (June 29, 1999). An updated version of Sections 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>.

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ITC-214-20040511-00206 E New Lisbon Telephone Co Inc

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 06/11/2004

Application for authority to provide service in accordance with Section 63.18(e)(2) of the rules.

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**ITC-214-20040518-00203** E Emergia U.S.A., Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 06/11/2004

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules between the U.S. and all points in Central and South America. Applicant agrees to be classified as a dominant carrier between the U.S. and Argentina, Chile and Peru.

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**ITC-214-20040519-00204** E Intellispace Telecom New Jersey Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 06/11/2004

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.

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**ITC-214-20040519-00205** E Star Telecard Distributors, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 06/11/2004

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.

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**ITC-214-20040524-00207** E Metropol Access Deutschland GmbH  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 06/11/2004

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.

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**ITC-214-20040525-00210** E Imagine Telecommunications, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 06/11/2004

Application for authority to provide service in accordance with Section 63.18(e)(2) of the rules.

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**ITC-ASG-20040303-00200** P Matrix Telecom Inc.  
Assignment  
Grant of Authority Date of Action: 06/11/2004

**Current Licensee:** International Exchange Communications, Inc., Debtor-in-Possession

**FROM:** International Exchange Communications, Inc., Debtor-in-Possession

**TO:** Matrix Telecom Inc.

Application for consent to assign the international section 214 authorization held by International Exchange Communications, Inc., Debtor-in-Possession (IECom), File No. ITC-214-19980915-00644, to Matrix Telecom, Inc. (Matrix). This application is filed in connection with a settlement agreement between the parties, approved by the United States Bankruptcy Court of the Northern District of California, San Francisco Division, whereby Matrix agreed to purchase certain assets from IECom, including its retail customer base. IECom filed a voluntary petition for relief under Chapter 11 of the U.S. Bankruptcy Code on January 4, 2001. This authorization is without prejudice to the Commission's action on any other related pending application(s).

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**ITC-ASG-20040316-00229** P

Qwest Wireless, LLC

Assignment

Grant of Authority

Date of Action: 06/16/2004

**Current Licensee:** TW Wireless, LLC

**FROM:** TW Wireless, LLC

**TO:** Qwest Wireless, LLC

Notification filed March 16, 2004, of the pro forma assignment of the international section 214 authorization (ITC-214-19991028-00681) held by TW Wireless, LLC ("TW Wireless") to Qwest Wireless, LLC ("Qwest Wireless").

On February 19, 2004, TW Wireless merged into Qwest Wireless. Prior to the merger, TW Wireless was a wholly-owned subsidiary of Qwest Wireless. Qwest Wireless, in turn, remains an indirect wholly-owned subsidiary of Qwest Communications International, Inc., as it was prior to the merger.

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**ITC-ASG-20040427-00228** P

Birch Telecom 1996, Inc.

Assignment

Grant of Authority

Date of Action: 06/16/2004

**Current Licensee:** Birch Telecom of Oklahoma, Inc.

**FROM:** Birch Telecom of Oklahoma

**TO:** Birch Telecom 1996, Inc.

Notification filed April 27, 2004, of the pro forma assignment of the international section 214 authorization (ITC-214-20010418-00248) held by Birch Telecom of Oklahoma, Inc. (Birch Oklahoma) to its 100 percent parent company, Birch Telecom 1996, Inc. (Birch 1996). Birch Oklahoma assigned the authorization to Birch 1996 effective April 26, 2004. Pursuant to Section 63.21(h) of the rules, Birch 1996 also notified the Commission of its intention that certain of its direct or indirect wholly-owned subsidiaries, named in the notification, be authorized to provide service pursuant to its international Section 214 authorization.

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**ITC-T/C-20040412-00227** P

Hutchison Global Communications (US) Limited

Transfer of Control

Grant of Authority

Date of Action: 06/16/2004

**Current Licensee:** Hutchison Global Communications (US) Limited

**FROM:** Hutchinson Whampoa Limited

**TO:** Hutchison Global Communications Holdings Limited

Notification filed April 12, 2004, of the pro forma transfer of control of the international section 214 authorization (ITC-214-20031030-00508 - authority to provide service only via IRU and leasehold interests in U.S.-licensed cables and via resale of other U.S. carriers' services) held by Hutchison Global Communications (US) Limited ("Hutchison Global US") from its 100 percent parent company, Hutchinson Whampoa Limited ("HWL"), to Hutchison Global Communications Holdings Limited ("HGCH"). On March 12, 2004, HWL and HGCH consummated a transaction pursuant to which HGCH became a partially-owned (52.55%) and controlled indirect subsidiary of HWL, and the 100% indirect owner of Hutchison Global US. According to the notification, HGCH is a Bermuda investment holding company that is listed on the Hong Kong Stock Exchange Limited. Prior to consummation of the transaction, HGCH was known as Vanda Systems & Communications Holdings Limited.

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Transfer of Control

Grant of Authority

Date of Action: 06/11/2004

**Current Licensee:** Granby Telephone & Telegraph Company**FROM:** Granby Telephone & Telegraph Company**TO:** Granby Holdings, Inc.

Application for consent to transfer control of the international section 214 authorization, ITC-214-20020524-00291, held by Granby Telephone & Telegraph Company (Granby Telephone) from the shareholders of Granby Telephone to Granby Holdings, Inc. (Granby Holdings). Granby Holdings is a direct, wholly-owned subsidiary of Country Road Communications, LLC (Country Road). Country Road established Granby Holdings for the purpose of acquiring all of the issued and outstanding shares of Granby Telephone. This authorizaion is without prejudice to the Commission's action on any other related pending application(s).

**INFORMATIVE****ITC-214-19961009-00508**

COVISTA COMMUNICATIONS, INC.

By letter dated June 2, 2004, TotalTel USA Communications Inc. notified the Commission of its name change to Covista Communications, Inc.

**ITC-214-20020924-00457**

U.S. Telecom

By letter dated May 25, 2004, Telecuba, Inc. notified the Commission of its name change to U.S. Telecom. Telecuba, Inc. was granted a Cuba 214 authorization to provide direct facilities-based services from the U.S. to Cuba.

**ITC-214-20030721-00364**

VocalNet, Inc.

By letter dated May 17, 2004, NetAccess, Inc. has changed its name to VocalNet, Inc.

**ITC-214-20040319-00116**

American Global Voice Mart, Inc.

By letter dated June 7, 2004, America's Global Voice Mart, Inc. notified the Commission of the name change to American Global Voice Mart, Inc.

**SURRENDER****ITC-214-19971007-00607**

PARAMOUNT INTERNATIONAL TELECOMMUNICATIONS, INC.

By letter dated June 14, 2004, Paramount International Telecommunications, Inc. notified the Commission of the surrender of the above referenced Section 214 authorization.

**ITC-214-20011001-00523**

EIGHT 9 LINE, LLC

By letter dated June 3, 2004, Eight 9 Line, LLC notified the Commission of the surrender of the above referenced Section 214 authorization.

## CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by streamlined grant or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/td/pf/exclusionlist.html>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules. The Commission recently amended Section 63.11 of the rules in its Order on Reconsideration in IB Docket No. 97-142, 15 FCC Rcd 18158 (2000).

(4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51 and 64.1001 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001. The Commission modified these requirements most recently in 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace, FCC 01-93, released, March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001). See also 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries for which the Commission has authorized the provision of switched basic services over private lines at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d).

(5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. In addition, the carriers may not -- and their tariffs must state that their customers may not -- connect their private lines to the public switched network at either the U.S. or foreign end, or both, for the provision of international switched basic services, unless the Commission has authorized the provision of switched services over private lines to the particular country at the foreign end of the private line or the carrier is exchanging switched traffic with a foreign carrier that the Commission has determined lacks market power in the country at the foreign end of the private line. See 47 C.F.R. §§ 63.16, 63.22(e), 63.23(d). A foreign carrier lacks market power for purposes of this rule if it does not appear on the Commission list of foreign carriers that do not qualify for the presumption that they lack market power in particular foreign points. This list is available at [http://www.fcc.gov/Bureaus/International/Public\\_Notices/1999/da990809.txt](http://www.fcc.gov/Bureaus/International/Public_Notices/1999/da990809.txt). See generally 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999), paras. 12-15, 102-109.

(6) The Commission has authorized the provision of switched basic services via facilities-based or resold private lines between the United States and the following foreign points: Sweden, Canada, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica, South Africa, Saint Lucia, Saint Kitts & Nevis, Saint Vincent, Antigua, Malaysia, Thailand, Belize, Panama, Guatemala, Venezuela, Bahrain, South Korea, Portugal, Cyprus, Slovak Republic, Slovenia, Dominica, Grenada, Jamaica, Kuwait, Jordan, Paraguay, Croatia, Egypt, Zambia, Ecuador, Barbados, Colombia, Chile, El

Salvador, Taiwan, Nicaragua, Turkey, Peru, Morocco, Ghana, Bolivia, Guyana, Mongolia, Zimbabwe, Gambia, Nigeria, Bangladesh, Indonesia, Tunisia, Qatar, Oman, Mauritius, New Caledonia, Guinea, Suriname, and Fiji Islands.

(7) Carriers may engage in "switched hubbing" to countries for which the Commission has not authorized the provision of switched basic services over private lines consistent with Section 63.17(b) of the rules.

(8) Carriers may provide U.S. inbound or outbound switched basic service via their authorized private lines extending between or among the United States, Sweden, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica, South Africa, Saint Lucia, Saint Kitts & Nevis, Saint Vincent, Antigua, Malaysia, Thailand, Belize, Panama, Guatemala, Venezuela, Bahrain, South Korea, Portugal, Cyprus, Slovak Republic, Slovenia, Dominica, Grenada, Jamaica, Kuwait, Jordan, Paraguay, Croatia, Egypt, Zambia, Ecuador, Barbados, Colombia, Chile, El Salvador, Taiwan, Nicaragua, Turkey, Peru, Morocco, Ghana, Bolivia, Guyana, Mongolia, Zimbabwe, Gambia, Nigeria, Bangladesh, Indonesia, Tunisia, Qatar, Oman, Mauritius, and New Caledonia, Guinea, Suriname, and Fiji Islands.

(9) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(10) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19 must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11. These non-dominant carriers may continue filing new or revised international tariffs for mass market services until January 28, 2002, when all tariffs, with limited exceptions, must be cancelled. Carriers may not file any new or revised contract tariffs or tariffs for other long-term international service arrangements. See 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace, FCC 01-93, released March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001).

(11) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of that Section.

(12) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. §§ 43.82, 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also: <http://www.fcc.gov/ib/pd/pf/csmanual.html>

(13) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(14) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(15) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903. See Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area and Policy and Rules Concerning the Interstate, Interexchange Marketplace, Second Report and Order in CC Docket No. 96-149 and Third Report and Order in CC Docket No. 96-61, 12 FCC Rcd 15756, recon., 12 FCC Rcd 8730 (1997), Order, 13 FCC Rcd 6427 (Com. Car. Bur. 1998), further recon., FCC 99-103 (rel. June 30, 1999).

(16) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based service on that route unless the current rates the affiliate charges U.S. international carrier to terminate traffic are at or below the Commission's relevant benchmark adopted in International

Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliation" and "foreign carrier" are defined in Section 63.09.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

#### Exclusion List for International Section 214 Authorizations

-- Last Modified December 22, 1999 --

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(4) of the Commission's Rules. See generally 47 C.F.R. § 63.22.

#### Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice Report No. I-6831, dated July 27, 1993, "FCC to Accept Applications for Service to Cuba.")

#### Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an

Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/td/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.